

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DISTRICT**

**UNITED STATES FOR THE USE AND
BENEFIT OF MID STATE
CONSTRUCTION COMPANY, INC.
AND MID STATE CONSTRUCTION
COMPANY, INC.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:11 CV 169 DCB-JMR

**TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA; US
COATING SPECIALTIES & SUPPLIES,
LLC; AND EARL WASHINGTON**

DEFENDANTS

**MOTION FOR PRELIMINARY INJUNCTION REQUIRING INDEMNITORS TO POST
COLLATERAL DURING PENDENCY OF THIS ACTION**

Pursuant to Federal Rule of Civil Procedure 65, Travelers Casualty and Surety Company of America (“Travelers”), files this Motion for Preliminary Injunction Requiring Mid State Construction Company, Inc. (“Mid State”); U.S. Coating Specialties & Supplies, LLC (U.S. Coating); and Earl Washington (“Washington”) to Post Collateral During the Pendency of this Action and in support thereof states the following:

1. For the reasons set forth in Travelers’s Memorandum in Support of its Motion for Preliminary Injunction Requiring Indemnitors to Post Collateral During the Pendency of this Action, Travelers requests the following relief:

- (a) That a preliminary injunction be issued requiring Mid State, U.S. Coating and Washington post collateral in the amount of not less than \$2,060,433.60.
- (b) That the Court order such other general and/or equitable relief as the Court deems proper to protect Travelers’s rights under the indemnity agreement at issue in this civil action.

2. Travelers requests that this matter be heard on an expedited basis.

WHEREFORE, PREMISES CONSIDERED, Travelers seeks a preliminary injunction compelling Mid State Construction Company, Inc. U.S. Coating Specialties & Supplies, LLC and Earl Washington to provide Travelers with cash in the amount of \$2,060,433.60.

This, the 14th day of June, 2013.

Respectfully submitted,

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

By Its Attorneys,

JONES WALKER LLP

By: /s Bradford C. Ray
Bradford C. Ray

Mark D. Herbert (MSB No. 2370)
Bradford C. Ray (MSB No. 101180)
JONES WALKER LLP
190 East Capitol Street, Suite 800 (39201)
Post Office Box 427
Jackson, Mississippi 39205-0427
Telephone (601) 949-4820
Telecopy (601) 949-4804

CERTIFICATE OF SERVICE

I, Bradford C. Ray, hereby certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to:

Ralph B. Germany, Esq.
Bradley Arrant Bolt Cummings LLP
188 E. Capitol Street, Suite 400
Jackson, MS 39201
rgermany@babbc.com

Herbert J. Irvin, Esq.
Irvin & Associates
1230 Raymond Rd
Jackson, MS 39204-4583
iq.attys@gmail.com

Mr. Earl Washington
U.S. Coating Specialties & Supplies
P.O. Box 11809
Jackson, MS 39283-1809

This the 14th day of June, 2013.

/s/ Bradford C. Ray
Bradford C. Ray